

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: Apoptosis Inducing Molecule I

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Supplementary Declaration of Steven Ruben  
Ruben Exhibit #147**

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Paper No. \_\_\_\_\_

Filed on Behalf of Party Ruben:

By: Samuel B. Abrams, Esq.  
Margaret B. Brivanlou, Esq.  
**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, New York 10017  
Tel: (212) 326-3939  
Fax: (212) 755-7306

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

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STEVEN M. RUBEN

Junior Party,  
(Application No. 08/816,981),

v.

STEVEN R. WILEY  
and RAYMOND G. GOODWIN

Senior Party,  
(Patent No. 5,763,223).

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Patent Interference No. 105,077

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SUPPLEMENTAL DECLARATION OF STEVEN M. RUBEN

Ruben EXHIBIT 2147  
Ruben v. Wiley et al.  
Interference No. 105,077  
RX 2147

SUPPLEMENTAL DECLARATION OF STEVEN M. RUBEN

I, STEVEN M. RUBEN, declare and state as follows:

1. I am the same Steven M. Ruben named as the inventor for involved United States patent application 08/816,981. I joined Human Genome Sciences, Inc. (HGS) in 1992 in the position of Scientist, a position I held until 1993. Then, I served as Associate Director of the Molecular Biology Department of HGS from 1993 to 1996, and as Director of the Molecular Biology Department from 1996 to 1998. In 1999, I became Vice President, Research, and eventually became Vice President of Preclinical Discovery, the position that I held when I left HGS in March 2003. I am currently Vice President of Protein Therapeutics at Celera. I have been asked by patent counsel for HGS to supplement my Declaration of June 24, 2004.

RE 102

2. I have reviewed the HGS internal records relating to the preparation of the provisional patent application directed to AIM-I ( RE36 and RE38 ). I conclude from the Docket Sheet for HGS Draft Patent Applications ( RE38 ) for the AIM-I application (identified by docket number 261) that on or around February 14, 1996, the draft provisional patent application directed to AIM-I was forwarded by the HGS patent department to me for my review. I conclude that I reviewed the draft application during the subsequent two weeks, i.e., between February 14, 1996 and February 28, 1996.

3. Numerous experiments have been published demonstrating that recombinantly expressed AIM-I (also called TRAIL) protein induces apoptosis of certain cell types, for example, as described in the following references, each of which I co-authored: Giovarelli et al., 1999, J. Immunol. 163(9):4886-4893 ( RE57 ); Phillips et al., 1999, J. Immunol. 162(10):6053-6059 ( RE 67 ), and Yu et al., 2000, Cancer Res. 60(9):2384-2389 ( RE 130 ). In addition, I am aware that other scientists at HGS used AIM-I to identify its receptor and to demonstrate the

receptor's role in inducing apoptosis and then published these findings (Pan et al., 1997, Science 277(5327):815-818, RE131; and Pan et al., 1997, Science 276(5309):111-113 (RE 132).

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application captioned above or any patent issuing thereupon.

Date: July 16, 2004

Steven M. Ruben